

**Notice of Allowability**

Application No.

10/733,245

Examiner

Preeti Kumar

Applicant(s)

ARAI KENJI

Art Unit

1751

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/30/07.
2. ☒ The allowed claim(s) is/are 2-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/17/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 2-18 are pending. Claim 1 is cancelled in the amendment filed after final rejection dated 3/30/2007.

### ***Response to Arguments***

2. Applicant's arguments filed have been fully considered Applicant's arguments, filed 3/30/2007, with respect to claims 2-18 have been fully considered and are persuasive. The rejection of claims 1-18 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Midha et al. (US 5,911,979). has been withdrawn.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harris Pitlick on May 14, 2007.

#### **The claims:**

In claim 2, line 3, delete "a long-chain fatty acid glycol ester" and insert –a plurality of long-chain fatty acid glycol esters--.

In claim 3, line 2, delete "fatty acid glycol ester of formula (1) comprises" and insert –fatty acid glycol esters of formula (1) comprise —.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance: Claims 2-18, renumbered 1-17, are allowable upon consideration of applicants' information disclosure statement and consideration of the prior art.

The prior art most pertinent to the instant claims is Midha et al. (US 5,911,979). Midha et al. teach an aqueous detergent composition comprising ethylene glycol mono and di-fatty acid esters, diethylene glycol mono- and di-fatty acid esters and surfactant having a pH of between about 3 and about 9. However, Midha et al. do not teach or suggest the claimed ratio of fatty acid constituent of the long chain fatty acid glycol ester contains 65% to 85 wt.% of fatty acids having 18 or more carbon atoms, 15% to 35 wt.% of fatty acids having less than 18 carbon atoms, 35wt.% or less of fatty acids having 16 carbon atoms and 5 wt% or less of fatty acids having less than 16 carbon atoms and it would not have been obvious to one of ordinary skill in the art to arrive at the specified ratio as recited by the instant claims because the prior art of record teach a long chain fatty acid glycol ester having a fatty acid constituent of 10 to about 22 carbon atoms without specifying at least 2 different fatty acid constituent carbon chain lengths as recited by the instant claims.

Another pertinent prior art of record is Miyajima et al. (US 6,417,146). Miyajima et al. teach an aqueous liquid detergent composition having a surfactant, and a fatty acid glycol ester having the claimed formula 1. However, Miyajima et al. do not teach the claimed ratio of fatty acid constituent of the long chain fatty acid glycol ester contains 65% to 85 wt.% of fatty acids having 18 or more carbon atoms, 15% to 35

Art Unit: 1751

wt.% of fatty acids having less than 18 carbon atoms, 35wt.% or less of fatty acids having 16 carbon atoms and 5 wt% or less of fatty acids having less than 16 carbon atoms and it would not have been obvious to one of ordinary skill in the art to arrive at the specified ratio as recited by the instant claims because the prior art of record teach a long chain fatty acid glycol ester having a fatty acid constituent of 13 to about 23 carbon atoms without specifying at least 2 different fatty acid constituent carbon chain lengths as recited by the instant claims.

None of the prior art of record teach or suggest the claimed composition having the claimed pH when diluted to 20 times the weight with water and the claimed ratio of at least 2 different fatty acid constituent carbon chain lengths namely, 65% to 85 wt.% of fatty acids having 18 or more carbon atoms, 15% to 35 wt.% of fatty acids having less than 18 carbon atoms, 35wt.% or less of fatty acids having 16 carbon atoms and 5 wt% or less of fatty acids having less than 16 carbon atoms as recited by the instant claims.

### ***Conclusion***

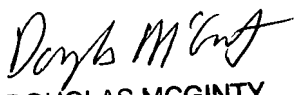
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Mc Ginty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner Preeti Kumar PK.  
Art Unit 1751

  
DOUGLAS MCGINTY  
SUPERVISORY PATENT EXAMINER  
1751